

STATE OF MICHIGAN  
COURT OF APPEALS

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ELIZABETH WHITING REID,

Plaintiff-Appellant,

v

CARL ANDREW REID,

Defendant-Appellee.

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UNPUBLISHED

March 26, 2009

No. 282266

Kent Circuit Court

LC No. 06-006466-DM

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court's order granting defendant's motion for attorney fees and costs. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to award attorney fees for an abuse of discretion. *Kosch v Kosch*, 233 Mich App 346, 354; 592 NW2d 434 (1999). Attorney fees may be awarded in a divorce case if the party requesting the fees has been forced to incur them as a result of the other party's failure to comply with a court order. MCR 3.206(C)(2)(b).

In this case, plaintiff and her counsel failed to appear on time for the November 9, 2007, hearing. The hearing was for defendant's motion, and although plaintiff's counsel called the court the day before and attempted to contact defense counsel to inform them that the hearing was not necessary, defense counsel did not receive that information until the morning of the hearing and the trial court did not adjourn the hearing. The trial court noted that plaintiff's counsel had no reason to think the hearing had been adjourned when he had not received a response from defense counsel or an adjournment from the court. Plaintiff's counsel did not argue that he was unable to attend the hearing; in fact, he was in the building at the time. Because of plaintiff's counsel's absence at the hearing, defense counsel was required to waste hours of his time; the trial court made clear at a later hearing that this was the reason it imposed fees. We cannot say the trial court abused its discretion in imposing fees for that reason.

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Karen M. Fort Hood  
/s/ Alton T. Davis

